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## *New Jersey Office of the Attorney General*

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New Jersey State Board of Physical Therapy Examiners  
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### **NEW JERSEY STATE BOARD OF PHYSICAL THERAPY EXAMINERS**

### **PUBLIC SESSION MINUTES**

**OCTOBER 28, 2014**

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A regular meeting of the New Jersey State Board of Physical Therapy Examiners was held at 124 Halsey Street, Newark, New Jersey, in the Somerset Conference Room, 6th Floor, on Tuesday October 28, 2014. The meeting was convened in accordance with the provisions of the Open Public Meetings Act. **Karen Wilk, Chairperson of the Board**, called the meeting to order at 9:35 A.M. and a roll call was taken and the following attendance was recorded:

BARBARA J. BEHRENS, P.T.A.	Present
DAVID BERTONE, P.T.	Present
JEAN BICKAL, ESQ	Excused
MARY B. BROWNE, P.T.	Present
NANCY KIRSCH, P.T.	Present
CINDY MOORE, P.T.	Excused
BETH SARFATY, P.T.	Present
KAREN WILK, P.T.	Present

Also present were: **John Hugelmeyer, Deputy Attorney General; Lisa Tadeo, Executive Director and Gerard Tobia, Administrative Staff**

**Members of the public: Cathy Chin, representative of Select Medical and Jessica Fulmino, PT**

### **PUBLIC COMMENT**

### **IV. APPROVAL OF THE MINUTES OF SEPTEMBER 23, 2014 BOARD MEETING**

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to accept the minutes of the September 23, 2014 Board meeting as amended. A vote was taken and the motion carried by a unanimous vote.

### **V. NEW BUSINESS**

A. Continuing Education Course Reviewers' Recommendations

A. Continuing Education Course Reviewers' Recommendations

Nancy Kirsch recused herself as she is employed by Rutgers.

The Board reviewed the recommendations of the course reviewers at Rutgers, The State University of New Jersey, formerly the University of Medicine and Dentistry of New Jersey (UMDNJ), for continuing education courses submitted by sponsors for the Board's approval. A motion was made by Mary Browne and seconded by Barbara J. Behrens to accept the course reviewer's recommendations as presented. The 90 approved courses will be posted on the New Jersey State Board of Physical Therapy Examiners' website. Thirteen courses were denied, as they did not meet all the requirements set forth in N.J.A.C. 13:39A-9 et. seq. A vote was taken and the motion carried by a unanimous vote.

B. Board Discussion with Charles Manning, Regulatory Analyst  
RE: N.J.A.C. 13:39A-2.2

The Board discussed N.J.A.C. 13:39A-2.2(e) 1 and 2 with Regulatory Analyst, Charles Manning. The Board will draft additional language for N.J.A.C. 13:39A-2.2(e)1 and 2 specifically concerning when it would be appropriate for a physical therapist to conduct a breast examination and/or a pelvic internal examination.

C. Inquiry from Christina Costanzo, Esq.  
RE: Permissible Business Structures

Ms. Costanzo, Esq. Wrote the Board concerning permissible forms of physical therapy practice, specifically if a physical therapist and a non physical therapist can own/share profits of a physical therapy practice.

A motion was made by Nancy Kirsch and seconded by Barbara J. Behrens to advise Ms. Costanzo that the physical therapist must be autonomous in his or her practice of physical therapy including but not limited to the types of physical therapy services rendered, billing for those physical therapy services, and setting of his or her fee schedule. A physical therapist must at all times adhere to the statutes and regulations governing his or her practice as a physical therapist in the State of New Jersey including but not limited to N.J.S.A. 45:9-37.21 *Division of fees, payments for referrals* and N.J.S.A. 45:9.37.34(e) *Permitted licensees, natural person; regulations* and N.J.S.A. 14A:17-1 *Professional Service Corporation Act*. A vote was taken and David Bertone voted in opposition to the motion while all the other members voted in favor. The motion passed by a majority vote.

D. Assembly No. 3804  
(Synopsis - Requires State agencies to periodically review administrative rules and regulations to ensure continued efficacy.) Introduced October 9, 2014

The Board reviewed Assembly No. 3804 and considered it informational.

E. Health.edu  
Course, "Physical Therapy Ethics Part 2"

Nancy recused herself and did not participate in the discussion.

The Board reviewed a course, "Physical Therapy Ethics Part 2" submitted by Health.edu. A motion was made by Mary Browne and seconded by Beth Sarfaty to deny this course as it is primarily a jurisprudence course based on Texas law and it does not meet the requirements set forth in N.J.A.C. 13:39A-9 et seq. A vote was taken and the motion carried by a unanimous vote.

## **VI. OLD BUSINESS**

### **A. Response from Educata**

RE: Course, "Foundations of Oncology for Physical Therapists: Medical Aspects"

Educata wrote the Board concerning its denial of the course, "Foundations of Oncology for Physical Therapists: Medical Aspects" as the course submission did not include at least five references from peer reviewed journals published within the past five years. Educata provided information for the Board to review.

A motion was made by David Bertone and seconded by Barbara J. Behrens to approve the course, "Foundations of Oncology for Physical Therapists: Medical Aspects" as it now meets the requirements set forth in N.J.A.C. 13:39A-9 et seq. A vote was taken and the motion carried by a unanimous vote.

### **B. Inquiry from Cortney Hassler, PT**

RE: Scope of Practice

This matter was tabled.

### **C. New Jersey Jurisprudence Learning and Assessment Tool Application from the Federation of State Boards of Physical Therapy**

The Board reviewed the New Jersey Jurisprudence Learning and Assessment Tool Application submitted by the Federation of State Boards of Physical Therapy.

A motion was made by David Bertone and seconded by Beth Sarfaty to approve the application. On February 1, 2015, the Federation of State Boards of Physical Therapy will be listed as an approved Jurisprudence Assessment Module on the New Jersey State Board of Physical Therapy Examiners website. A vote was taken and the motion carried by a unanimous vote.

### **D. Board Discussion**

RE: Jurisprudence Assessment Module

If an individual fails the Jurisprudence Assessment Module twice, the Module will not allow the individual to log in for 30 days, therefore, the individual will not be allowed to take the module a third time until 30 days from the day of the second failure.

## **VII. FOR YOUR INFORMATION**

- A. Superior Court of New Jersey  
Appellate Division's Decision  
RE: Denial of Certification/Licensure

The Board reviewed the Superior Court of New Jersey Appellate Division's Decision regarding the denial of certification/licensure of a massage therapist and considered it informational.

Upon a motion made by Barbara J. Behrens and seconded by Beth Sarfaty, the Board voted to go into Executive Session to discuss the following matters involving investigations of violations of the Board's enabling act, the Uniform Enforcement Act and/or Board regulations.

1. Seven matters filed with the Board, which require review and additional recommendations with regard to investigations and/or actions.
2. Five matters where additional information has been submitted to the Board concerning pending investigations.

### **APPLICATIONS APPROVED BY THE BOARD**

1. Jules Caspillo
2. Inder Singh
3. Exta Modi
4. Graziella Sinda

### **APPLICATIONS NOT APPROVED BY THE BOARD**

1. Tulsi Desai
2. FNU Paramjit
3. Keneeth Enolpe

## **ADJOURNMENT**

The Board returned to Public Session and a motion was made by Beth Sarfaty and seconded by David Bertone to adjourn the meeting at 2:30 P.M. A vote was taken and the motion carried by a unanimous vote.

Respectfully submitted,

Lisa Tadeo  
Executive Director